

## **REMARKS**

In view of the above amendment and the following remarks, reconsideration and further examination are requested.

Initially, it is requested that the Examiner acknowledge the claim for foreign priority (claimed in the Declaration filed August 29, 2006) and the receipt of the certified copy of the foreign priority document (present in the Image File Wrapper dated August 29, 2006).

By this amendment, claims 2, 9, and 13 have been canceled, claims 1, 3-8, 10-12, and 14 have been amended, and claims 15-18 have been added. Therefore, claims 1, 3-8, 10-12, and 14-18 are pending.

Claims 1-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Pond (US 2004/0030601) in view of Dunkeld (US 2003/0110126). This rejection is traversed and is inapplicable to claims 1, 3-8, 10-12, and 14 as amended, and new claims 15-18 for the following reasons.

Claim 1 recites a content usage system comprising: an information terminal; a content usage apparatus; and a server apparatus. Claim 1 recites that the information terminal comprises a proxy-settlement-request transmission unit. Neither Pond nor Dunkeld disclose or suggest a proxy-settlement-request transmission unit. While Pond and Dunkeld disclose electronic payment methods, neither of these references discloses or in any way suggests a proxy-settlement-request transmission unit as recited in claim 1. Accordingly, claims 1, and 15-18 are allowable over the prior art of record.

Claim 3 recites an information terminal for use with a content usage apparatus, and that the information terminal comprises a proxy-settlement-request transmission unit. While Pond and Dunkeld disclose electronic payment methods, neither of these references discloses or in any way suggests a proxy-settlement-request transmission unit as recited in claim 3. Accordingly, claims 3-8, 10, and 11 are allowable over the prior art of record.

Claim 12 recites a control method for controlling an information terminal that transfers content usage information relating to usage of content, and that the control method comprises a transmission step of transmitting settlement request information to a settlement apparatus of a communications enterprise that provides communication service to the information terminal, the settlement request information indicating a request for proxy settlement for the usage

information. Neither Pond nor Dunkeld disclose such a transmission step.

Pond discloses a system for using various services with use of a mobile station. In Fig. 13 and paragraph 0122, Pond discloses a system for downloading samples of music, which consumers may wish to purchase, from a server with use of a mobile station 1330. In Pond, the music content itself is stored in media 1310 such as a CD and DVD. The media 1310 has a tag of an identification number. Based on the identification number read from the tag, the mobile station 1330 establishes a connection with a record company's server 1360 through an access point 1350. The record company's server 1360 includes a database 1365, and reads sample files related to the identification number from the database 1365. The server 1360 transmits the sample files to the mobile station 1330, and thus the sample files of the music content can be downloaded to the mobile station 1330.

In paragraphs 0103 and 0104, Pond discloses digital cash. Therefore, presumably, it is possible to perform settlement using the digital cash when the music content is purchased. With the invention disclosed in Pond, settlement for the music content can be performed with use of digital cash stored in the mobile station 1330. In contrast to the present invention, in Pond, it is impossible that the communications enterprise performs proxy settlement for the music content for the record company on behalf of a user. The disclosure by Pond of payment by digital cash provides no disclosure or suggestion of transmitting settlement request information (indicating a request for proxy settlement) to a settlement apparatus of a communications enterprise that provides communication service to the information terminal as recited in claim 12.

Dunkeld discloses a system for digital asset identification and transaction management which includes a transaction database 116 which contains information about each transaction in the system (see paragraph [0074]), and an accounting module 126 to reconcile accounts of the rights holder, host, and customer after the completion of each transaction (see paragraph [0077]). However, a mere database of transactions and a module for simply reconciling accounts of the rights holder, host, and customer provides no disclosure or suggestion of transmitting settlement request information (indicating a request for proxy settlement) to a settlement apparatus of a communications enterprise that provides communication service to the information terminal as recited in claim 12.

Accordingly, no obvious combination of Pond and Dunkeld would result in or in any way render obvious the invention recited in claim 12. Therefore, it is submitted that claim 12 is

allowable over the prior art of record. Further, it is submitted that claim 14 is allowable for similar reasons as discussed above.

In view of the above amendments and remarks, it is submitted that claims 1, 3-8, 10-12, and 14-18 are allowable over the prior art of record and that the present application is in condition for allowance.

The Examiner is invited to contact the undersigned by telephone should there be any issues remaining.

Respectfully submitted,

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